

—U.S. v. Manafort—

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1 UNITED STATES DISTRICT COURT  
 2 FOR THE EASTERN DISTRICT OF VIRGINIA  
 3 ALEXANDRIA DIVISION

3 -----x  
 4 UNITED STATES OF AMERICA, :  
 5 : Criminal Action No.  
 6 : 1:18-CR-83  
 7 :  
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 9 : August 20, 2018  
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8 TRANSCRIPT OF JURY TRIAL  
 9 BEFORE THE HONORABLE T.S. ELLIS, III  
 10 UNITED STATES DISTRICT JUDGE

11 APPEARANCES:

12 FOR THE GOVERNMENT: UZO ASONYE, AUSA  
 13 United States Attorney's Office  
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 16 and  
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 and

—Tonia M. Harris OCR-USDC/EDVA 703-646-1438—

Appearances continued:

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**P R O C E E D I N G S**

(Court proceedings commenced at 9:27 a.m.)

THE COURT: All right. Good morning. It appears that the defendant and counsel are present, prepared to proceed.

MR. ASONYE: Yes, Your Honor.

THE COURT: One of your number is absent. Do we need to wait?

MR. ASONYE: No, Your Honor.

THE COURT: All right. I'm going to have the jury brought in. We will, as always, take the roll by number and proceed to allow the jury to continue their deliberations.

Mr. Flood, you may bring the jury in.

(Jury present.)

THE COURT: All right. You may be seated.

Good morning, ladies and gentlemen. We'll begin as always with taking of the roll.

THE DEPUTY CLERK: Ladies and gentlemen, as I call your name, please answer "present" or "here."

Juror 0008.

THE JUROR: Present.

THE DEPUTY CLERK: Juror 0037.

THE JUROR: Here.

THE DEPUTY CLERK: Juror 0276.

THE JUROR: Present.

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1 THE DEPUTY CLERK: Juror 0017.

2 THE JUROR: Present.

3 THE DEPUTY CLERK: Juror 0145.

4 THE JUROR: Present.

5 THE DEPUTY CLERK: Juror 0115.

6 THE JUROR: Present.

7 THE DEPUTY CLERK: Juror 0082.

8 THE JUROR: Present.

9 THE DEPUTY CLERK: Juror 0009.

10 THE JUROR: Present.

11 THE DEPUTY CLERK: Juror 0299.

12 THE JUROR: Present.

13 THE DEPUTY CLERK: Juror 0091.

14 THE JUROR: Present.

15 THE DEPUTY CLERK: Juror 0302.

16 THE JUROR: Present.

17 THE DEPUTY CLERK: Juror 0060.

18 THE JUROR: Present.

19 THE DEPUTY CLERK: Thank you.

20 THE COURT: Good morning, ladies and gentlemen.

21 Again, I'm going to release you now to continue your  
22 deliberations. Remember you may deliberate as long or as  
23 little as you like.

24 Let me confirm once again that over the weekend you  
25 refrained from discussing the matter with anyone or

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1 undertaking any investigation on your own.

2 THE JURY: Yes, Your Honor.

3 THE COURT: Thank you. You may follow the court  
4 security officer out to continue your deliberations.

5 (Jury dismissed for deliberations at 9:33 a.m.)

6 THE COURT: All right. You may be seated. As you  
7 know I've indicated that I am going to unseal all bench  
8 conferences at the conclusion of the case. That is conclusion  
9 of the jury reaching a decision.

10 I want to be clear as to what I'm unsealing, because  
11 there were a couple of matters which the counsel moved to have  
12 placed under seal. And those will remain under seal. Also  
13 the names of the jurors will remain under seal. But I want  
14 you to look, both sides, to look at the transcript that is  
15 available, because you have transcripts for all of the bench  
16 conferences. And I want you to confirm to me by agreement, I  
17 hope, but if not I'll resolve any dispute as to what is going  
18 to remain under seal. It should be a very, very small  
19 proportion of the whole that has currently been under seal.

20 You all have the transcripts so I want you to list  
21 by date and page number in the transcript, because they aren't  
22 volumes yet and tell the Court what it is that you think  
23 should remain. Very, very little. Names of the jurors, and  
24 that one area where counsel did move to have the matter remain  
25 under seal. Everything else should be disclosed.

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1 All right. Anything else needs to be addressed this  
2 morning, Mr. Asonye?

3 MR. ASONYE: Not from the Government, Your Honor.

4 MR. DOWNING: No, Your Honor.

5 THE COURT: All right. Now, of course, Mr. Asonye,  
6 no, I did not require every lawyer, either for the defendant  
7 or the Government, to be present today when I deal with that,  
8 but I hope there's nothing -- I hope Mr. Andres is not ill.

9 MR. ASONYE: He's fine, Your Honor.

10 THE COURT: My law clerk is ill. And these are my  
11 new law clerks. Brand new. Walked into a maelstrom. But I'm  
12 glad to hear he's not ill.

13 All right. Anything further this morning?

14 MR. DOWNING: No, Your Honor.

15 THE COURT: All right. Court stands in recess.

16 (Recessed at 9:37 a.m.)

17 (Court resumes at 10:07 a.m.)

18 THE COURT: All right. There's one other related  
19 bench conference I'd like you to come forward for that. This  
20 is another one of those that will be -- will be disclosed at  
21 the end. But you may come forward.

22 (Unsealed Bench Conference.)

23 THE COURT: All right. Mr. Flood has informed me  
24 that the jurors have questions that they have written down,  
25 but they are reluctant to present those questions here in open

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1 court. They are intimidated by the --

2 You're puzzled?

3 There is a lot of -- people are humans and they can  
4 feel intimidated by the attention this case has received.  
5 That's one of the reasons I have kept their names  
6 confidential. But they have questions and they've written  
7 them down. Mr. Flood, the court security officer, has told  
8 them he can't talk to them about anything substantive. If  
9 they have anything they want to report, they should put the  
10 question to the judge.

11 Now they tell him: Well, we don't like the fact  
12 that the judge reads their questions in open court, and either  
13 answers and will have said something. They're intimidated.

14 So I understand that. It is, however, always  
15 important that the public know what is happening, but it seems  
16 to me, it will know, because I'm going to unseal everything  
17 except for what you-all tell me you want to retain under seal.  
18 Namely, the names. There's never been any objection to  
19 keeping those under seal. And this matter that the Government  
20 has moved to put under seal, which the defendant has not  
21 objected to, which I think is a reasonable request. So I'm  
22 keeping that under seal.

23 What we're saying right now will all be released at  
24 some point.

25 Now, what I'd like to know from counsel is do you



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1 have any objection as to my receiving these questions,  
2 reviewing them with you, reviewing answers with you and  
3 providing the -- the answers to the questions in writing to  
4 the jury.

5 MR. DOWNING: Can -- I'd like to have a little time  
6 to confer with my client. I'm sorry to cause any delay. But  
7 we should talk to him about this issue.

8 THE COURT: Yes.

9 MR. ASONYE: And that might give us some time to  
10 confer with defense counsel as well, Your Honor.

11 THE COURT: All right. Mr. Flood.

12 (Court security officer present.)

13 THE COURT: Tell the jurors that you have  
14 communicated to me that they have questions that are in  
15 writing. It might be good to receive those questions, because  
16 one way or the other they should be answered.

17 And say that you've also communicated to me that  
18 they do not want to have the questions read in open court and  
19 to have answers in open court. They're intimidated. And tell  
20 them I'm considering that, but I need to have the questions.

21 Any objection to that from the Government?

22 MR. ASONYE: No, Your Honor.

23 MR. DOWNING: No.

24 THE COURT: From the defendant?

25 THE CSO: So you would like me to collect what

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1 questions they have written down now and bring them to you?

2 THE COURT: Yes. If they're willing to give them  
3 up. We can't -- don't demand that whatever they've done has  
4 to be given, but say if you have questions, as you have  
5 indicated, and they are in writing for the judge, let me have  
6 them and I'll give them to the judge.

7 THE CSO: Okay.

8 MR. ASONYE: They may ultimately -- I think it's  
9 important for them to know they could be disclosed publically  
10 depending on Your Honor's ruling.

11 THE COURT: That's correct. They -- well the truth  
12 is they will be disclosed publically. The only question is  
13 when. But I will tell them that. If they need to know that,  
14 I will convene them. But I -- yes?

15 MR. DOWNING: Just as a matter of procedure, I think  
16 we're going to need the marshals to take Mr. Manafort back  
17 downstairs so we can talk to him out of the earshot of the  
18 reporters that are here in the courtroom.

19 THE COURT: All right.

20 MR. DOWNING: They're here. They've been great on  
21 moving him back and forth. The marshals are sitting behind  
22 Mr. Manafort.

23 THE COURT: I think that's reasonable. You need a  
24 chance to discuss it with him, but let me -- how many marshals  
25 do you have?

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1 MR. DOWNING: There are two.

2 THE COURT: Let me have one of them come forward  
3 here.

4 THE CSO: Mike.

5 (Court marshal present.)

6 THE COURT: It will be necessary for counsel to have  
7 an opportunity to consult with their client outside the  
8 presence of the crowd.

9 Can you take Mr. Manafort downstairs and provide  
10 counsel with an opportunity for them to confer with him down  
11 there?

12 THE MARSHAL: Yes, sir.

13 THE COURT: I don't think this will take longer than  
14 15 minutes or so.

15 MR. DOWNING: That sounds fine.

16 THE COURT: Anything further?

17 MR. ASONYE: No, Your Honor.

18 THE COURT: All right. All right. Let's proceed in  
19 that fashion.

20 MR. ASONYE: Your Honor, may the Government be  
21 excused as well while they consult with their client?

22 THE COURT: Oh, of course. You need to consult with  
23 yours as well, of course.

24 And I'm not going to set any time. Tell Mr. Flood  
25 as soon as you're ready and that to come back and discuss it.

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1 And I will in the meantime, of course, if they give me  
2 questions, I will review them and I'll make them available to  
3 counsel, of course.

4 MR. ASONYE: Okay. Thank you, Your Honor.

5 (End of sealed bench conference.)

6 THE COURT: All right. Court stands in recess.

7 (Recess.)

8 (Court resumes at 10:58 a.m.)

9 THE COURT: You may be seated.

10 I simply do want to communicate we do not have  
11 questions. And I wanted you to know that. If you need to  
12 communicate anything to me that you think should be at the  
13 bench, you may come to the bench.

14 (Off the record discussion held.)

15 (Unsealed bench conference.)

16 THE COURT: Yes, sir.

17 MR. DOWNING: I just wanted to be clear they did not  
18 give you the questions that they have.

19 THE COURT: That's correct. I don't know if they  
20 have questions.

21 MR. DOWNING: Okay.

22 THE COURT: He told them to write them down. Mr.  
23 Flood.

24 (Court security officer present.)

25 THE COURT: Mr. Flood, you told them if they have

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1 questions, write them down, I'll give them to the Court.

2 THE CSO: Correct.

3 THE COURT: And they are intimidated. They're  
4 worried that their questions are read in open court and  
5 answered. They're just intimidated.

6 MR. DOWNING: So on that issue, I think we're in  
7 agreement with the Government. I think we would like to have  
8 some time -- or no.

9 MR. ASONYE: No. This is for you guys.

10 MR. DOWNING: Then I would say I would like some  
11 time. The defense would like some time to go do some research  
12 about this issue. It seems to me that --

13 THE COURT: Now, they haven't told me that they're  
14 intimidated.

15 MR. DOWNING: I understand that. And Your Honor,  
16 quite frankly, why I would like to go do some research is to  
17 find out that when this has occurred before and what the  
18 appropriate inquiry may be.

19 THE COURT: Yes, you may do whatever research you  
20 wish but this case is going forward.

21 MR. DOWNING: Your Honor --

22 THE COURT: Just a moment. Let me finish. They've  
23 been deliberating now for two-and-a-half days. There are 17  
24 counts. I don't know whether they've reached any decision on  
25 any count. And I don't know whether they are hung on any

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1 count or on all counts.

2 If I do get questions, one of the things that I may  
3 suggest to you is that I may ask the jurors: Have you reached  
4 a unanimous conclusion as to any counts?

5 And if they have, I'll consider sealing those and  
6 letting them go forward. We got to get this thing done. It's  
7 got to go forward. But right now you want to do research on  
8 what I reported to you. Don't put much weight on my statement  
9 that they feel intimidated. They have not told me they feel  
10 intimidated. They've told the court security officer that  
11 they prefer not to come into open court and have their  
12 questions read and answered in open court.

13 Is that correct, Mr. Flood?

14 THE CSO: That's correct.

15 MR. DOWNING: So, Your Honor, what we would like to  
16 figure out --

17 THE COURT: I'm not deducing -- assuming that they  
18 are --

19 MR. DOWNING: Formally, at this time, the defense  
20 moves for a mistrial. But what I would like to do is go get  
21 some legal support either there is or there's nothing. And  
22 what should be done at a point in time where a jury is  
23 reluctant to ask the Court a question because it would be made  
24 public. I've not -- I've done this for 21 years and I've  
25 never had this happen. So that's what we're asking time for.

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1 THE COURT: Were you ever in a trial with this many  
2 people and this much TV outside?

3 MR. DOWNING: I have. I actually have.

4 THE COURT: No, you haven't. This is unique in  
5 American history. Yes.

6 MR. ASONYE: The Government's view is we're -- the  
7 jury is deliberating. It appears thoroughly. And there's no  
8 real issue at this point. We would have liked -- the place  
9 where we are in agreement with defense counsel -- if the Court  
10 received the questions and would have put them under seal, we  
11 did want time to research that issue because our view is that  
12 if there wasn't an appropriate record, there could be an error  
13 there. We're going to take our time now and do that research,  
14 but --

15 THE COURT: All right. Let me do this. I will deny  
16 your motion for a mistrial. I see no earthly reason for a  
17 mistrial.

18 I don't know what the -- it's only my impression  
19 that they may be intimidated simply because they don't want  
20 their questions read in open court and answered in open court.

21 I can understand that with this whole crowd here.  
22 But that's no reason for any mistrial.

23 I agree with you, Mr. Asonye, there's nothing here  
24 before the Court to decide or to do anything about. We should  
25 just let them proceed. If they have questions, you'll be told

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1 what the questions are. I'll elicit your suggestions as to  
2 appropriate answers, as I did before, and I will answer them  
3 either in writing or here orally in open court. And I'll hear  
4 from you about all of that.

5 Anything further, Mr. Asonye?

6 MR. ASONYE: One other issue. Your Honor indicated  
7 you might contemplate asking the jury if they've reached a  
8 verdict on any counts --

9 THE COURT: It's premature.

10 MR. ASONYE: It's premature, Your Honor.

11 THE COURT: Absolutely. But you know you need to  
12 think about these things.

13 MR. ASONYE: We will start getting our --

14 THE COURT: So by that I mean if you want to go and  
15 do research -- by the way, the library is available for you  
16 downstairs.

17 MR. DOWNING: Thank you.

18 THE COURT: If you want to do research, that's a  
19 possibility. I don't know whether that will come up. But  
20 we've tried this case for almost three weeks. And I don't see  
21 any basis for a mistrial at this time.

22 MR. DOWNING: And, Your Honor, just to be clear what  
23 we want to go look at is when the jury says that they don't  
24 want to ask the Court a question --

25 THE COURT: In open court.

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1 MR. DOWNING: -- in open court. That's where our  
2 concern lies. If they have questions but they're not asking  
3 them --

4 THE COURT: I don't even know if they have  
5 questions. I think --

6 MR. DOWNING: Well, I think they indicated they had  
7 --

8 THE COURT: Just a moment.

9 MR. DOWNING: Sorry.

10 THE COURT: All I know is that they indicated to Mr.  
11 Flood that they might have questions. He thought that they  
12 might be in writing, but they aren't.

13 THE CSO: They said they had nothing to present in  
14 writing.

15 THE COURT: Nothing to present at this time. So  
16 there's no point in getting at all upset about it now. You  
17 may do your research and you may renew your motion if you  
18 think that there's anything, but I find not even a whisper of  
19 anything that warrants a mistrial at this time.

20 MR. DOWNING: Thank you, Your Honor.

21 MR. ASONYE: Thank you, Your Honor.

22 THE COURT: Thank you.

23 (End of sealed bench conference.)

24 THE COURT: This too will be disclosed.

25 All right. Court stands in recess.

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1 (Recessed at 11:05 a.m.)

3 P R O C E E D I N G S

4 A F T E R N O O N S E S S I O N

5 (Court reconvenes at 4:49 p.m.)

6 THE COURT: The jury has indicated a desire to  
7 continue to deliberate until 6:15. So I'm going to recess. I  
8 don't expect to call you before then unless we receive a  
9 question.

10 But I'll take counsel quickly at the bench one last  
11 time.

12 (Unsealed Bench Conference.)

13 MR. ANDRES: Hello, Your Honor.

14 THE COURT: I'm glad to see you are here because I  
15 was concerned. Well, my law clerk has been ill for four days  
16 now.

17 All right. I looked at the transcript. And I want  
18 to be clear about something.

19 In the transcript I said something about the jurors  
20 being intimidated. That was an ill-considered statement on my  
21 part. It really has nothing to do with the facts.

22 Mr. Flood.

23 (Court security officer present.)

24 THE COURT: Of course I've had no contact at all  
25 with the jurors. Has any juror said anything to you about

1 being pressured or coerced or intimidated in any way by the  
2 circumstances of this case?

3 THE CSO: No.

4 THE COURT: So my remark is completely without any  
5 factual basis. I mean it's sort of a human thing, but it has  
6 nothing whatever to do with the facts. And I wanted to make  
7 that clear.

8 Now, Mr. Asonye you said there was something you  
9 needed to do research on.

10 Do you recall what that was?

11 MR. ASONYE: It was simply, Your Honor, if Your  
12 Honor was going to respond to a question under seal that the  
13 Government would have wanted an opportunity --

14 THE COURT: I don't intend to do that.

15 MR. ASONYE: All right.

16 THE COURT: I think the fact of the matter is if we  
17 get a question you-all will receive the question in advance.  
18 I will elicit from you. I'll tell you what response I would  
19 propose to give and then I'll elicit from you whether you have  
20 any objections or suggestions as to a response. And then I  
21 will do it.

22 Now, I may not do it in open court. I may write an  
23 answer and send it to them. I do that frequently and that's  
24 an appropriate way to do it. I don't have to do it in open  
25 court. Although I can read the question in open court, which

1 I might well do. But I don't have to call them into open  
2 court and give them the answer. But if you have -- I've told  
3 you about that. If you have any objection about that, I want  
4 to hear it. You think you would have any objection if I  
5 answered -- this is all premature. I don't have any  
6 questions. Don't have any questions. But there are  
7 circumstances where I would answer the question in writing and  
8 not convene here in open court. But if I did that, a preface  
9 to that would be that the questions would be made available to  
10 you and in open court. And the answers that I would propose  
11 or that you would object to or consent to would also be here  
12 in open court.

13 Any objection to that?

14 MR. ANDRES: Not from the Government.

15 MR. DOWNING: No, Your Honor.

16 THE COURT: All right. Now, I wanted to be clear  
17 because I did make that remark in here about intimidation.

18 I also noted, Mr. Downing, you said that, I don't  
19 know, I said something like this is unprecedented and so forth  
20 and so on. That's kind of a ridiculous thing for me to say.  
21 How do I know about all the history of trials in the past 2000  
22 some years. I don't.

23 It certainly is unprecedented in my experience. But  
24 my experience is but a small part. And I'm sure you've had  
25 situations like this that you think are the same. So be it.

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1 That has nothing to do with anything I have to decide.

2 Anything else that we should discuss this evening?

3 MR. ANDRES: No, Your Honor.

4 THE COURT: I have what you submitted. You've made  
5 it available to counsel relating to forfeiture?

6 MR. VAN GRACK: Yes, Your Honor.

7 THE COURT: And you-all have that as well.

8 MR. WESTLING: We do, Your Honor.

9 THE COURT: If you have arguments about those  
10 instructions, I might appreciate having that in advance.

11 MR. WESTLING: Okay. We'll take -- I don't think we  
12 do, Your Honor, but I'm going to go back and double check.

13 THE COURT: All right. So I will convene them at  
14 6:15 and inquire whether they have anything further. I'll  
15 permit them to go longer if they wish or I would let them go  
16 home and reconvene them tomorrow morning.

17 Anything further?

18 MR. ANDRES: No. Thank you, Judge.

19 THE COURT: All right. Let's proceed.

20 (End of sealed bench conference.)

21 (Open court.)

22 THE COURT: I will recess now. The jury indicated  
23 it wishes to deliberate at least until 6:15. At that time, I  
24 will ascertain whether they want to continue to deliberate or  
25 to return in the morning and I will likely then recess for the

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1 evening if that's what they wish to do.

2 Court stands in recess.

3 (Recessed at 4:55 p.m.)

4 (Court reconvened at 6:13 p.m.)

5 THE COURT: All right. I will convene the jury and  
6 the usual instructions and excuse them for the evening and  
7 we'll begin tomorrow morning at 9:30.

8 Anything else at this time?

9 MR. ANDRES: Not from the Government. Thank you,  
10 Your Honor.

11 MR. DOWNING: No, Your Honor.

12 THE COURT: All right. Mr. Flood, you may bring the  
13 jury in.

14 (Jury present.)

15 THE COURT: All right. You may be seated.

16 All right. Ladies and gentlemen, I'm able to excuse  
17 you for the evening. You worked lather this evening.

18 And we will reconvene tomorrow morning then at 9:30.  
19 Let me again remind you that you must refrain from discussing  
20 the matter with anyone or among yourselves or undertaking any  
21 investigation of any kind using any kind of device. Put it  
22 out of your mind and we will see you tomorrow morning at 9:30.

23 Did you fill out your menus?

24 THE JURY: Yes, Your Honor.

25 THE COURT: Thank you. You may follow Mr. Flood

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1 out.

2 (Jury dismissed.)

3 THE COURT: Anything further this evening?

4 MR. ANDRES: No, Your Honor. Enjoy your evening.

5 THE COURT: All right. I'll see you tomorrow  
6 morning. Court stands in recess until 9:30.

7  
8 **(Proceedings adjourned at 6:15 p.m.)**  
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CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for the Eastern District of Virginia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the Jury Trial in the case of the **UNITED STATES OF AMERICA versus PAUL J. MANAFORT, JR.**, Criminal Action No. 1:18-CR-83, in said court on the 20th day of August, 2018.

I further certify that the foregoing 24 pages is a true and correct transcript of the record of proceedings and incorporating redactions of personal identifiers.

In witness whereof, I have hereto subscribed my name, this August 22, 2018.

\_\_\_\_\_  
Tonia M. Harris, RPR  
Official Court Reporter

*Tonia M. Harris*